

UNITED STATES OF AMERICA,

v.

PORFIRIO ORTA-ROSARIO,

Defendant.

THIS MATTER is before the Court on the Defendant's "Motion To Waive Defendant's Presence at Bond Conditions Modification Hearing" filed May 5, 2009 (document #185). The Defendant requests the Court allow him to waive his presence at the hearing regarding his "Motion to Modify Conditions of Release by Removing Electronic Monitoring" filed April 21, 2009 (document #177) that is currently set for May 13, 2009 at 9:40 a.m. Defendant requests that, in lieu of his presence, the Court allow him to participate in the hearing by telephone.

Pursuant to Rule 43 of the Federal Rules of Criminal Procedure, the Defendant's presence is required at the bond hearing. Pursuant to 18 U.S.C. § 4285, if the Defendant is financially unable to pay for his travel to appear in court, the Court will consider directing the U.S. Marshal Service to arrange for Defendant's transportation to the hearing provided the Defendant submits a verified financial affidavit and the Court determines the Defendant is indigent.

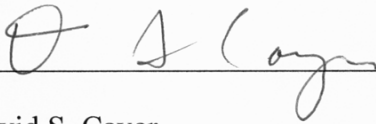
NOW THEREFORE, IT IS HEREBY ORDERED:

1. The Defendant's "Motion to Waive Defendant's Presence at Bond Conditions Modification Hearing" (document #185) is **DENIED**.

2. The Clerk is directed to send copies of this Order to counsel to the parties; and to the
Honorable Robert J. Conrad, Jr.

SO ORDERED.

Signed: May 6, 2009

A handwritten signature in black ink, appearing to read "D S Cayer", is written over a horizontal line.

David S. Cayer
United States Magistrate Judge

